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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

9 SIAOSI VANISI,
10 Petitioner,
11 vs.
12 E.K. McDANIEL, *et al.*,
13 Respondents.
14

3:10-cv-0448-RLH-VPC

ORDER

16 This action is a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 by
17 Siaosi Vanisi, a Nevada prisoner under sentence of death.

18 Vanisi has filed an application for leave to proceed *in forma pauperis* (docket #1). In light of
19 the information provided with the application, the court will grant Vanisi *in forma pauperis* status.
20 Vanisi will not be required to pay the filing fee for this action.

21 In addition, Vanisi filed a motion for appointment of counsel (docket #2). Vanisi's
22 application for leave to proceed *in forma pauperis* shows that he lacks the resources necessary to
23 employ counsel for this capital habeas corpus action. Therefore, pursuant to 18 U.S.C. § 3599, and
24 in the interests of justice, the Federal Public Defender for the District of Nevada (FPD) shall be
25 appointed to represent Vanisi. If the FPD is unable to represent Vanisi, due to a conflict of interest
26 or other reason, then alternate counsel will be located and appointed by the court. Vanisi's appointed

1 counsel will represent him in all subsequent proceedings, pursuant to 18 U.S.C. § 3599(e), unless
2 and until allowed to withdraw.

3 **IT IS THEREFORE ORDERED** that petitioner's Application for Leave to Proceed
4 *in Forma Pauperis* (docket #1) is **GRANTED**. The petitioner need not pay the filing fee for this
5 action, and is granted *in forma pauperis* status with respect to subsequent fees and costs.

6 **IT IS FURTHER ORDERED** that petitioner's Motion for Appointment of Counsel
7 (docket #2) is **GRANTED**. The Federal Public Defender for the District of Nevada is appointed to
8 represent petitioner. The Federal Public Defender shall have **30 days** from the date of entry of this
9 order to undertake representation of petitioner or to indicate to the court its inability to represent
10 petitioner in these proceedings.

11 **IT IS FURTHER ORDERED** that the Clerk of the Court shall separately **FILE** the petition
12 for writ of habeas corpus, which is now found in the record as an attachment to the Application for
13 Leave to Proceed *in Forma Pauperis* (docket #1).

14 **IT IS FURTHER ORDERED** that the Clerk of the Court shall **SERVE** the respondents,
15 by certified mail, with a copy of this order and a copy of the petition for writ of habeas corpus.

16 **IT IS FURTHER ORDERED** that respondents' counsel shall file a notice of appearance of
17 counsel within **30 days** from the date of entry of this order. Respondents, however, need not respond
18 to the habeas corpus petition unless and until the court orders otherwise.

19 IT IS FURTHER ORDERED that the Clerk of the Court shall SERVE a copy of this order
on:

20 Michael Pescetta
21 Office of the Federal Public Defender
22 411 E. Bonneville Ave., Suite 250
Las Vegas, NV 89101

24 || Dated this 5th day of August 2010.

Boer L. Hunt
UNITED STATES DISTRICT JUDGE